

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
(FLORENCE DIVISION)**

Heather Douglas, individually and as mother and)
guardian for A.D., a minor,)

Plaintiff,)

Case No. 4:21-cv-01773-RBH

v.)

**Application/Affidavit for
Pro Hac Vice Admission**

Brittain Resort & Hotels LLC, Ocean Front)

Investors LLC, d/b/a Caribbean Resorts & Villas,)

Hucks Pool Company Inc., Caribbean Oceanfront)

Tower Homeowners Association Inc. and Ally)

Management Inc.)

Defendants.)

(1) Name. Nicholas C. Rowley
First Middle Last

(2) Residence. I reside in the following state: Montana
If a South Carolina resident, indicate months/years of residence: _____

(3) Business Address. I am an attorney and practice law under the name of or as a member of the following firm:

Firm name: Trial Lawyers for Justice

Mailing address: 421 W. Water Street City/State/Zip: Decorah, IA 52101

Telephone number: 563-382-5071

Facsimile number: 563-204-4205

E-mail address: NR@tl4j.com

(Application will not be considered without an e-mail address to receive electronic notification.)

(4) Jurisdiction of this Court. I, by execution of this Application and Affidavit, consent and agree to comply with the applicable statutes, laws, and rules of the State of South Carolina, with all applicable federal statutes, laws, and rules, including Local Rules of the United States District Court for the District of South Carolina (particularly, Local Civil Rule 83.I.08 and/or Local Criminal Rule 57.I.08). I consent to the jurisdiction of the United States District Court for the District of South Carolina in all matters of attorney conduct.¹

(5) Regular Practice of Law. I am a member in good standing of the bar of the highest court of the State of California where I regularly practice law. **Attached is my certificate of good standing.**

(6) Additional Bar Membership. I have been admitted to practice before the following courts: (List all of the courts Applicant has been admitted to practice before: United States District Courts; United

¹This District 1 maintains a web site (www.scd.uscourts.gov) from which the federal and local rules of procedure and related materials may be obtained.

States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.) By signing this Affidavit, I certify that I am a member in good standing of each of the listed bars unless otherwise noted.

Court	Date Admitted	Good Standing
Montana	11/04/2021	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Minnesota	05/08/2008	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Colorado	05/11/2020	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
New Mexico	11/08/2021	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Iowa	2/08/2008	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

- (7) Pending Disciplinary Matters. Are you presently the subject of any formal suspension or disbarment proceedings, and have you been notified by any disciplinary agency of the initiation of formal procedures? ☐ Yes ☒ No
(If "yes," give particulars, such as jurisdiction, court, date, grounds. Information to comply with this paragraph may be provided *in camera* but that fact shall be revealed below.)

- (8) Curtailment of Prior *Pro Hac Vice* Admissions. Have you ever had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked?
☒ Yes ☐ No
(If "yes," give particulars, such as date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation.)

In the State of Wisconsin there was a pro hac vice application on one case that was denied during the pendency of a disciplinary investigation in Iowa that resulted in dismissal. I have never had a pro hac vice admission revoked.

- (9) Sanctions. Have you ever had any certificate or privilege to appear and practice before any judicial or administrative body suspended or revoked, or received a public reprimand or greater sanction?
☒ Yes ☐ No
(If "yes," give particulars, e.g., judicial or administrative body, date of suspension, and reinstatement.)
July 2012 CA Stayed Suspension with 2 year probation (see attached)
Dec. 2012 IA Public Reprimand due to CA stayed suspension (see attached)
August 2013 IA Public Reprimand (see attached)

- (10) Criminal Sanctions. Have you ever been convicted of a felony under the laws of the District of Columbia or of any State or under the laws of the United States?
☐ Yes ☒ No
(If "yes," give particulars, such as date, court, judge, circumstances, and ultimate disposition.)

- (11) Present and Previous *Pro Hac Vice* in this Court. Have you, within the last ten (10) years, filed an application to appear *pro hac vice* in the United States District Court for the District of South Carolina or another court in the state of South Carolina?
☐ Yes ☒ No

[Type text]

(If "yes," give court, case name, docket number, and status of litigation, year of application, local counsel of record in each case, and state whether application is pending or was granted.) Attach additional pages if necessary.

- (12) Designated Local Counsel. Local counsel of record associated with Applicant in this case is:

Attorney Names:

Kenneth E. Berger and Joel S. Hughes

Firm Name:

Law Office of Kenneth E. Berger

Street Address or Post Office Box:

5205 Forest Drive

City, State, and Zip Code:

Columbia, SC 29206

Telephone Number:

803-790-2800

E-Mail Address:

Kberger@bergerlawsc.com and Jhughes@bergerlawsc.com

I understand that local counsel of record is required to: (1) personally sign each pleading, motion, discovery procedure, or other document served or filed in this Court; (2) accept service of all pleadings and notices as required on behalf of all counsel for the party represented; (3) be present at all pretrial conferences, hearings and trials, unless excused by the Court; (4) be prepared to participate actively as may be necessary; and (5) assure compliance with Local Civil Rules 83.I.04, 83.I.05, and 83.I.06 or Local Criminal Rules 57.I.04, 57.I.05, and 57.I.06 as appropriate. Local counsel of record may attend discovery proceedings.

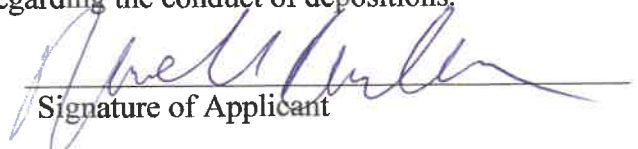
- (13) Associated Counsel. In addition to local counsel designated above, the following counsel are also associated with the undersigned in this case.

- (14) Application Fee. I affirm that the application fee of two hundred and fifty dollars (\$250) has been paid in accordance with Local Civil Rule 83.I.05 or Local Criminal Rule 57.I.05 or paid herewith.

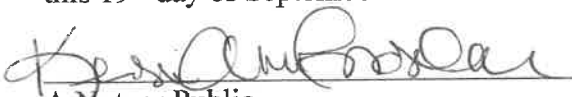
- (15) Electronic Notification. By submitting this application, I consent to electronic notification.

- (16) Represented Party/Parties. I seek to represent the following party/parties:
Heather Douglas, individually and as mother and guardian for A.D. a minor.

- (17) I certify that I have read Local Civil Rule 30.04 regarding the conduct of depositions.


Signature of Applicant

Sworn to and subscribed before me
this 19th day of September 2022.


A Notary Public
of the State of Massachusetts

My Commission expires:

